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FISCAL IMPACT STATEMENT

LS 7873

BILL NUMBER: SB 458

NOTE PREPARED: Jan 11, 2005

BILL AMENDED:

SUBJECT: Release of Military Discharge Records.

FIRST AUTHOR: Sen. Dillon

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a county recorder after June 30, 2005, to aggregate and maintain all military discharge records separately from other recorded documents. The bill provides that a military discharge record recorded after June 30, 2005, is not available for public inspection and copying. It provides that a military discharge record recorded before July 1, 2005, is confidential if the record was aggregated with other military discharge records and maintained separately from other recorded documents. It also allows access to the record to: (1) the veteran who is the subject of the record; (2) a veteran's service officer; and (3) other persons granted access to the record under a court order. The bill requires the county recorder to permanently remove a person's military discharge record from the public record if the person requests removal and the county recorder determines that it is economically feasible to remove the military discharge record.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: *Summary:* Under the bill, a public employee disclosing a military discharge, except to the person subject of the discharge or certain individuals under a court order, would be subject to the penalty for unlawful disclosure, a Class A misdemeanor.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in

a city or town court, 55% of the fee would be deposited in the state General Fund.

Background: U.S. Department of Veterans' Affairs estimates 544,752 veterans currently reside in Indiana.

Explanation of Local Expenditures: *Summary:* Under the bill, a veteran may request to have their discharge documents removed from the county public record by the recorder. The county recorder is to grant the person's request if it is economically feasible. This provision may add a minimal increase in administrative time spent to remove military record documents.

Penalty Provision: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: Under the bill, the county recorder may charge a reasonable fee to remove discharge documents from the public record.

Penalty Provision: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies, veterans service officers, county recorder.

Information Sources: U.S. Department of Veterans' Affairs.

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